

REMARKS

. In response to the Official Action dated April 16, 2004 in the above captioned matter, please amend the claims therein and consider the accompanying remarks. A petition for a three month extension of time has been filed concurrently herewith.

I. The nonstatutory double patenting rejection of claims 1-8 over claims 1 and 3-8 of copending application no. 10/053074

The Examiner has provisionally rejected claims 1-8 under the judicially created doctrine of obviousness type double patenting, in view of copending application no. 10/053074 (hereinafter, "AD6760"). Applicants reserve the right to file a terminal disclaimer to overcome this rejection at a later time. However it is to be noted that coapplicant Orient Chemical Industries, Ltd. has constructed comments relating to this matter which have been related to coapplicant E.I. du Pont de Nemours and Company, as follows:

"(The) Relationship between the disclosure of AD6760 and (claims) 1 to 8 of AD6836 is that formula [I] of AD6836 represents anthraquione blue dyes under C.I.(color index) Solvent Blue 97, 101, and 104 listed in Table 1 at page 5 of AD6760, but which may also correspond to Product Example Numbers I-12, 13 and 14 of Table 2 at page 6 of AD6760, and formula [II] of AD6836 represents C.I. Vat Blue 4 listed at a second line from the bottom of column 2 of Table 1 at page 5. According to Orient expert, although no requirement for disclosure of formula corresponding to Color index when registered, it could be easily for the ordinary skilled person in the art to find respective formula in response to each of C.I.. by reference to databook available to the public.

In other words, AD6836 recites very specific neutral anthraquione dyes which imparts blue, which include C.I. Solvent Blue 97, 101, 104 and C.I. Vat Blue 4, which are all listed in Table 1 of AD6760, and AD6760 claims " a laser transmitting black colorant comprising a mixture of a) neutral anthraquione dye which imparts colors of blue, violet or green, absorbs visible light with wavelength less than 700nm and

transmits a laser beam with wavelength at 800 nm to 1200 nm in the infrared region with -----" as more generic terms for the neutral anthraquine dye."

II. The 35 USC 112, second paragraph rejection

The Examiner has rejected Claims 1-8 under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, Claims 1 and 8 incorrectly spell "N-arylamide"; Claim 7 features an incorrect dependency; and Claim 8 contains two periods (at line 6 and the last line).

In response thereto, Applicants have amended Claim 8 to correct the spelling error; Claim 7 for the incorrect claim dependency; and Claim 8 for punctuation as noted. The other matters are taken care of due to additional amendments to the claims as will be apparent on their review. Applicants regret these inadvertent errors and appreciate the Examiner's efforts in bringing them to Applicants' attention.

Further regarding Claim 8, Applicants wish to take this opportunity to still further clarify the language of this claim. The wording has been changed to better reflect the technical expression of the language. Thus, the current language might be read to mean that neutral anthraquine dye "absorbs visible light with wavelength than 700nm", which apparently is not true according to Orient Chemical representatives. The anthraquine dye absorbs part of visible light, with wavelength corresponding to blue, but does not absorb lights in the range of wavelength from 400 to 500nm, and the black colorant composed of a mixture of the anthraquine with the other red dye absorbs the visible light less than 700 nm because being black. Applicants respectfully submit that this change is not to be considered as new matter, but instead is entered to clarify the respective properties of neutral anthraquine dye and the mixed black colorant. Applicants also took this opportunity to correct the corresponding passage in the specification, at lines 8 to 12 of page 3.

III. The 35 USC 102(b) and 103(a) rejections based upon Weaver et al (US 5,973,038)

The Examiner has rejected Claims 1,2 and 6 as anticipated by or in the alternative Claims 1,2,5 and 6 as obvious in view of Weaver et al. Although Weaver discloses a black colorant for use in applications of molded articles, films and fibers, but is silent about enabling the article to transmit a laser beam with wavelength at 800 nm to 1200 nm associated with a laser-welding with an opaque article by a laser welding process, the formula [II] of claims of the present application is similar to a formula [I] of the reference, and more specifically the compound represented by the formula[II] of the reference corresponds to the compounds of II-9, -10, and -11 in Table 2 of AD6836. In addition, AD6836 has very one examples of the black dye containing a mixture of neutral anthraquine dye represented by Formula [I] with a blue dye represented by the formula [II] as indicated in Example G at page 24.The properties of the Example G is shown in Table 11 as Example U, and as seen they are not superior to the others.

Taking into account the above Applicants have chosen to remove Formula [II] from independent Claim 1 of the present application, so as to limit the claim to a laser weldable composition comprising neutral anthraquine dye represented by formula [I].

It is respectfully submitted that the claims as amended and in view of the comments above are in condition suitable for allowance, and the case may pass to issuance.

Respectfully submitted,



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